

ORDINANCE NO. 12-2013

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING SECTIONS OF ELK GROVE MUNICIPAL CODE CHAPTER 4.04
RELATING TO CONDITIONS ON SOLICITATION LICENSES AND PERMITS**

WHEREAS, commercial soliciting at residences by businesses with a valid permit issued by the City is allowed after the solicitor completes application and receipt of the Solicitor Permit; and

WHEREAS, in an effort to respect the peace and privacy Elk Grove residents enjoy at their homes, limits must be placed on the time of day during which a solicitor may be permitted to make contact at a residence *without an appointment*; and

WHEREAS, FBI crime statistics indicate that more violent crimes occur in the late evening hours between 5:00 p.m. and midnight, taxing police resources away from proactive patrol during these hours; and

WHEREAS, this dedication of police resources during later afternoon and evening hours leaves citizens more vulnerable to crime than in *early daytime hours*, and requires the City to take measures to ensure those soliciting door-to-door are not inclined to commit criminal activity or disturb the peace of residents; and

WHEREAS, the requirement to background check solicitors through the Special Business License process helps ensure that citizens are safe and peaceful in their homes; and

WHEREAS, the time constraints placed on solicitation times contained in this amendment balance the marketing interests of the business community with the peace and privacy expected by Elk Grove residents at their homes.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Amend Elk Grove Municipal Code Section 4.04.010 titled *Solicitation license and solicitor permit required*

Elk Grove Municipal Code Section 4.04.010 is hereby amended to read as follows:

4.04.010 Solicitation license and solicitor permit required.

It is unlawful for any person or entity to engage in, conduct or carry on any business, exhibition, occupation or service that is based upon solicitation activities as defined in EGMC Section 4.02.021, without first having, upon written application, procured a solicitation license from the Chief of Police.

It is unlawful, a public nuisance, and a misdemeanor punishable by not more than six (6) months in jail and/or a One Thousand and no/100^{ths} (\$1,000.00) Dollar fine for any person employed or working on behalf of a business engaged in a solicitation business to engage in the solicitation activities as defined in EGMC Section 4.02.021 or violate any section of this code without first having, upon written application, procured a solicitor permit from the Chief of Police.

Section 2: Amend Elk Grove Municipal Code Section 4.04.035 titled *Conditions on solicitation license and permit*

Elk Grove Municipal Code Section 4.04.035 is hereby amended to read as follows:

4.04.035 Conditions on solicitation license and permit.

Every solicitation license issued by the Finance Director shall include the following conditions:

- A. Between November 1 and February 28 (February 29 in a leap year) of any given year, solicitation activities shall only be conducted between the hours 9:00 a.m. to 6:00 p.m. daily, except on Sundays when the earliest start time shall be 10:00 a.m. Between March 1 and October 31 of any given year, solicitation activities shall only be conducted between 9:00 a.m. and 7:00 p.m., except on Sundays when the earliest start time shall be 10:00 a.m.
- B. Every solicitor shall display on his or her person the City-issued solicitor permit at all times when conducting solicitation activities and shall produce such permit to any law enforcement officer upon demand; and
- C. Any other condition reasonably related to protection of the public interest in solicitation activities.
- D. No solicitor shall knowingly contact or attempt to make contact with a resident or occupant of a residence for the purpose of solicitation if the residence is displaying a sign refusing solicitors and/or solicitation in one (01") inch or larger letters, and the solicitor saw or was aware of, or reasonably should have seen or been aware of, the sign refusing solicitors and/or solicitation.

Section 3: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City

Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.


Section 5: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

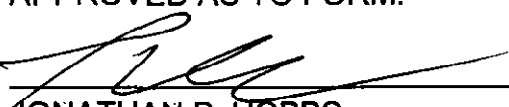
ORDINANCE NO. 12-2013
INTRODUCED: July 24, 2013
ADOPTED: August 28, 2013
EFFECTIVE: September 27, 2013



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: August 30, 2013

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2013**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on July 24, 2013 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 28, 2013 by the following vote:


AYES : **COUNCILMEMBERS:** *Davis, Detrick, Cooper, Hume, Trigg*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).


**Jason Lindgren, City Clerk
City of Elk Grove, California**